

Senate File 265 - Introduced

SENATE FILE 265

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A BILL FOR

1 An Act relating to the safe operation of bicycles, and making
2 penalties applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.299, Code 2017, is amended to read
2 as follows:

3 **321.299 Overtaking a vehicle or bicycle.**

4 The following rules shall govern the overtaking and passing
5 of vehicles and bicycles proceeding in the same direction,
6 subject to those limitations, exceptions, and special rules
7 hereinafter stated:

8 1. The driver of a vehicle overtaking another vehicle
9 proceeding in the same direction shall pass to the left of the
10 other vehicle at a safe distance and shall not again drive
11 to the right side of the roadway until safely clear of the
12 overtaken vehicle.

13 2. Except when overtaking and passing on the right is
14 permitted, the driver of an overtaken vehicle shall give way
15 to the right in favor of the overtaking vehicle and shall not
16 increase the speed of the overtaken vehicle until completely
17 passed by the overtaking vehicle.

18 3. The driver of a vehicle overtaking a person riding a
19 bicycle proceeding in the same direction on a roadway shall
20 pass to the left of the bicycle in an adjacent travel lane or
21 on the opposite side of the roadway and shall not again drive
22 to the right side of the roadway until safely clear of the
23 overtaken bicycle in accordance with section 321.281. This
24 subsection shall not apply to a vehicle overtaking a bicycle
25 which is traveling on a paved shoulder or in a lane designated
26 for the travel of bicycles.

27 Sec. 2. Section 321.304, Code 2017, is amended to read as
28 follows:

29 **321.304 Prohibited passing.**

30 ~~No~~ A vehicle shall not, in overtaking and passing another
31 vehicle, a bicycle, or at any other time, be driven to the left
32 side of the roadway under the following conditions:

33 1. When approaching the crest of a grade or upon a curve
34 in the highway where the driver's view along the highway is
35 obstructed for a distance of approximately seven hundred feet.

1 2. When approaching within one hundred feet of any narrow
 2 bridge, viaduct, or tunnel, when so signposted, or when
 3 approaching within one hundred feet of or traversing any
 4 intersection or railroad grade crossing.

5 3. Where official signs are in place directing that traffic
 6 keep to the right or a distinctive center line or off-center
 7 line is marked, which distinctive line also so directs traffic
 8 as declared in the sign manual adopted by the department of
 9 transportation. This subsection shall not apply to a vehicle
 10 overtaking and passing a bicycle, provided the vehicle complies
 11 with section 321.303.

12 Sec. 3. Section 321.385A, Code 2017, is amended to read as
 13 follows:

14 **321.385A Citation for unlighted headlamp, rear lamp, bicycle**
 15 **lamp or reflector, or rear registration plate light.**

16 1. *a.* A citation issued for failure to have headlamps
 17 as required under [section 321.385](#) shall first provide for a
 18 ~~seventy-two-hour~~ seventy-two-hour period within which the
 19 person charged with the violation shall replace or repair the
 20 headlamp.

21 *b.* A citation issued for failure to have rear lamps as
 22 required under [section 321.387](#) or a rear registration plate
 23 light as required under [section 321.388](#) shall first provide for
 24 a ~~seventy-two-hour~~ seventy-two-hour period within which the
 25 person charged with the violation shall replace or repair the
 26 lamps or light.

27 *c.* A citation issued for failure to have a front lamp, rear
 28 lamp, or rear reflector on a bicycle or on a bicycle rider
 29 as required under section 321.397 shall first provide for a
 30 seventy-two-hour period within which the person charged with
 31 the violation shall replace or repair the lamp or reflector.

32 2. If the person complies with the directive to replace or
 33 repair the headlamp, rear lamps, bicycle lamp or reflector,
 34 or rear registration plate light within the allotted time
 35 period, the citation shall be expunged. If the person fails to

1 comply within the allotted time period, the citation shall be
2 processed in the same manner as other citations.

3 3. A citation issued under this section shall include
4 a written notice of replacement or repair which shall
5 indicate the date of replacement or repair and the manner in
6 which the replacement or repair occurred and which shall be
7 returned to the issuing authority within the ~~seventy-two hour~~
8 seventy-two-hour time period.

9 Sec. 4. Section 321.397, Code 2017, is amended to read as
10 follows:

11 **321.397 Lamps on bicycles.**

12 ~~Every~~ At the times specified in section 321.384, every
13 bicycle shall be equipped with a lamp on the front exhibiting
14 a steady or flashing white light, ~~at the times specified in~~
15 ~~section 321.384,~~ visible from a distance of at least three
16 hundred feet to the front, and every bicycle or bicycle rider
17 shall be equipped with a lamp ~~on the rear~~ exhibiting a steady
18 or flashing red light visible from a distance of three hundred
19 feet to the rear, ~~except that.~~ However, a local authority may
20 authorize a red reflector ~~may~~ to be used in lieu of a rear light
21 in accordance with section 321.236, subsection 10. A peace
22 officer riding a police bicycle is not required to use ~~either~~
23 front or rear lamps or a rear reflector if duty so requires.

24 Sec. 5. Section 321.423, subsection 2, Code 2017, is amended
25 by adding the following new paragraph:

26 NEW PARAGRAPH. *k.* A flashing white or red light equipped on
27 a bicycle operating on a highway pursuant to section 321.397
28 is permitted.

29 Sec. 6. Section 321.423, subsection 7, paragraph a,
30 unnumbered paragraph 1, Code 2017, is amended to read as
31 follows:

32 Except as provided in section 321.373, subsection 7, and
33 subsection 2, paragraphs "c", ~~and~~ "i", and "k" of this section,
34 a flashing white light shall only be used on a vehicle in the
35 following circumstances:

1 EXPLANATION

2 The inclusion of this explanation does not constitute agreement with
3 the explanation's substance by the members of the general assembly.

4 This bill amends Code section 321.299 to require the driver
5 of a vehicle overtaking a person riding a bicycle proceeding
6 in the same direction on a roadway to pass to the left of the
7 bicycle in an adjacent travel lane or on the opposite side of
8 the roadway, and prohibits the driver from returning to the
9 right side of the roadway until safely clear of the overtaken
10 bicycle in accordance with Code section 321.281. Code section
11 321.281 prohibits a person operating a vehicle from steering
12 the vehicle unreasonably close to or toward a person riding
13 a bicycle on a highway. This provision of the bill does not
14 apply if the bicycle is traveling on a paved shoulder or in a
15 lane designated for the travel of bicycles.

16 A violation of Code section 321.281 is punishable by a
17 scheduled fine of \$250 and a violation of Code section 321.299
18 is punishable by a scheduled fine of \$100. However, if a
19 violation of Code section 321.299 causes a serious injury,
20 a court could impose an additional fine of \$500 or suspend
21 the person's driver's license for not more than 90 days, or
22 both. If the violation causes a death, a court could impose
23 an additional fine of \$1,000 or suspend the person's driver's
24 license for not more than 180 days, or both.

25 Under Code section 321.234, a person riding a bicycle on the
26 highway is subject to the provisions of Code chapter 321 (motor
27 vehicles and law of the road) and has all the rights and duties
28 applicable to the driver of a vehicle. Under Code section
29 321.304, the bill specifies that a vehicle is prohibited from
30 overtaking and passing a bicycle when approaching the crest of
31 a grade or upon a curve in the highway where the driver's view
32 along the highway is obstructed for a distance of approximately
33 700 feet; when approaching within 100 feet of any narrow
34 bridge, viaduct, or tunnel; or when approaching within 100 feet
35 of or traversing any intersection or railroad grade crossing.

1 However, the bill provides that a vehicle may pass a bicycle
2 where official signs are in place directing that traffic keep
3 to the right or a distinctive center line or off-center line is
4 marked, provided the vehicle complies with current requirements
5 for overtaking on the left.

6 A violation of Code section 321.304 is punishable by a
7 scheduled fine of \$100. However, if the violation causes a
8 serious injury, a court could impose an additional fine of \$500
9 or suspend the person's driver's license for not more than 90
10 days, or both. If the violation causes a death, a court could
11 impose an additional fine of \$1,000 or suspend the person's
12 driver's license for not more than 180 days, or both.

13 Current law requires a bicycle to have a front lighted lamp
14 and either a rear lighted lamp or a rear reflector at any time
15 from sunset to sunrise, and at such other times when conditions
16 such as fog, snow, sleet, or rain provide insufficient lighting
17 to render clearly discernible persons and vehicles on the
18 highway at a distance of 500 feet ahead.

19 During the periods of time stated above, the bill instead
20 requires a bicycle to be equipped with a lamp on the front
21 exhibiting a steady or flashing white light visible from a
22 distance of at least 300 feet to the front, and every bicycle
23 or bicycle rider to be equipped with a lamp exhibiting a steady
24 or flashing red light visible from a distance of 300 feet to
25 the rear. However, the bill provides that a local authority
26 may authorize a red reflector to be used in lieu of a rear
27 light.

28 The scheduled fine for a violation of this provision is
29 \$25. However, the bill provides that a citation issued for
30 failure to have a front lamp, rear lamp, or rear reflector on a
31 bicycle or on a bicycle rider must first provide for a 72-hour
32 period within which the person charged with the violation
33 shall replace or repair the lamp or reflector. If the person
34 complies with the directive to replace or repair the bicycle
35 lamp or reflector, the citation must be expunged.